

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Original): A promoter DNA for expression in the presence of an organic acid, having the sequence set forth in any one of the following (a) - (c) (a) a DNA consisting of the sequences set forth in any one of SEQ ID NOs: 1-6.

(b) a DNA that hybridize under stringent condition with the DNAs consisting of the sequences set forth in any one of SEQ ID NOs: 1-6.

(c) a DNA carrying 1 or more bases of substitution, deletion, addition, and/or insertion in the sequences set forth in any one of SEQ ID NOs 1-6.

Claim 2 (Original): A fragment of the promoter DNA according to Claim 1, being a promoter DNA for expression in the presence of an organic acid.

Claim 3 (Original): A promoter DNA for expression in the presence of an organic acid, having promoter activity of high osmolarity response 7 gene (HOR7 gene), glyceraldehyde 3 phosphate dehydrogenase 2 gene (TDH2 gene), heat shock protein 30 gene (HSP30), hexose transport protein 7 gene (HXT7 gene), thioredoxin peroxidase 1 gene (AHP1 gene), or membrane protein 1 associated gene (MRH1 gene) of yeast *Saccharomyces*.

Claim 4 (Currently Amended): The promoter DNA according to ~~any one of Claims 1 to 3~~ Claim 1, being used for expression of DNA for organic acid production.

Claim 5 (Original): The promoter DNA according to Claim 4, wherein the organic acid is lactic acid.

Claim 6 (Currently Amended): A DNA construct for gene recombination, including the promoter DNA according to ~~any one of Claims 1 to 3~~ Claim 1.

Claim 7 (Original): The DNA construct according to Claim 6, including a DNA that is operatively associated with the promoter DNA and encodes a protein involved in organic acid production.

Claim 8 (Original): The DNA construct according to Claim 7, wherein the protein involved inorganic acid production has lactate dehydrogenase activity.

Claim 9 (Original): The DNA construct according to Claim 8, wherein the protein is bovine lactate dehydrogenase.

Claim 10 (Currently Amended): The DNA construct according to ~~any one of Claims 6 to 9~~ Claim 6, including DNA for homologous recombination of yeast genes with an autoregulatory mechanism.

Claim 11 (Original): The DNA construct according to Claim 10, wherein the yeast gene is pyruvate decarboxylase 1 (PDC1) gene.

Claim 12 (Currently Amended): The DNA construct according to ~~any one of Claims 6 to 11~~ Claim 6, being plasmid or a virus vector.

Claim 13 (Currently Amended): A transformant carrying the promoter DNA according to ~~any one of Claims 1 to 3~~ Claim 1.

Claim 14 (Original): The transformant according to Claim 13, carrying a DNA that is operatively associated with the promoter DNA and encodes a protein involved in organic acid production.

Claim 15 (Original): The transformant according to Claim 14, wherein the protein involved in organic acid production has lactate dehydrogenase activity.

Claim 16 (Currently Amended): The transformant according to Claim 14 ~~or 15~~, wherein the promoter DNA according to ~~any one of Claims 1 to 3~~ Claim 1 and the DNA that encode a protein involved in organic acid production are integrated into a host chromosome.

Claim 17 (Currently Amended): The transformant according to ~~any one of Claims 13 to 16~~ Claim 13, being a yeast transformant.

Claim 18 (Currently Amended): A yeast transformant, wherein a yeast gene with an autoregulatory mechanism is disrupted by having at least part of the promoter DNA according to ~~any one of Claims 1 to 3~~ Claim 1 and a DNA that is operatively associated with the DNA that encodes a protein with lactate dehydrogenase activity on the chromosome.

Claim 19 (Original): The yeast transformant according to Claim 18, wherein the yeast gene with an autoregulatory mechanism is pyruvate decarboxylase 1 gene.

Claim 20 (Original): The yeast transformant according to Claim 19, wherein the protein with lactate dehydrogenase activity is bovine lactate dehydrogenase.

Claim 21 (Currently Amended): The yeast transformant according to ~~any one of Claims 18 to 20~~ Claim 18, wherein the yeast belongs to Saccharomyces.

Claim 22 (Currently Amended): An expression method of objective gene, using a host cell carrying a promoter DNA according to ~~any one of Claims 1 to 3~~ Claim 1 and a DNA that is operatively associated at the downstream region of the promoter DNA and encodes a predetermined protein.

Claim 23 (Original): The expression method according to Claim 22, wherein the culture system of the host cell contains an organic acid.

Claim 24 (Currently Amended): The expression method according to Claim 22 or 23, wherein the host is yeast carrying a gene with an autoregulatory mechanism, which is disrupted by having at least part of the promoter DNA according to any one of Claims 1 to 3 and a DNA that is operatively associated with the promoter DNA that encodes proteins with lactate dehydrogenase activity on chromosome.

Claim 25 (Original): The expression method according to Claim 24, wherein the protein is a protein involved in organic acid production.

Claim 26 (Original): The expression method according to Claim 25, wherein the protein is a protein with lactate dehydrogenase activity.

Claim 27 (Currently Amended): The production method of an organic acid using a yeast transformant having the DNA according to ~~Claims 1 to 3~~ Claim 1 and DNA that is operatively associated at the downstream region of the DNA and encodes proteins involved in organic acid production.

Claim 28 (Original): The production method according to Claim 27, wherein the organic acid is lactic acid and the protein is a protein with lactate dehydrogenase activity.

Claim 29 (Currently Amended): The production method according to any one of Claim 27 ~~or 28~~, wherein the DNA is retained on yeast chromosome and pyruvate decarboxylase 1 gene is disrupted by at least a part of the DNA.

Claim 30 (Original): A DNA having promoter activity according to any one of the following (a) - (c):

- (a) a DNA consisting of the sequence set forth in any one of SEQ ID NOs: 1-6.
- (b) a DNA that hybridize DNA consisting of a sequence set forth in any one of SEQ ID NOs: 1-6 under stringent condition.
- (c) a DNA carrying 1 or more bases of substitution, deletion, addition, and/or insertion in the sequence set forth in any one of SEQ ID NOs 1-6.

Claim 31 (Original): A fragment of the DNA according to Claim 29, having promoter activity.